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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FM EXAMINERS

Posted Dat

8.26.92

In Re Application of)
)
POSITIVE ALTERNATIVE RADIO, INC.)
)
For Construction Permit for New)
FM Broadcast Station on)
Channel 207A at Asheboro, NC)

File No. BPED-911119MC

TO: Chief, Audio Services Division
Mass Media Bureau

OPPOSITION TO PETITION TO DENY

Positive Alternative Radio, Inc. ("PAR"), by its attorneys, hereby opposes the Petition to Deny filed herein on or about August 10, 1992 by Triad Family Network ("TFN" or "Petitioner").

It should be noted at the outset that the underlying motives of TFN in attempting to have the Commission deny the PAR application are probably spurious. The application of TFN for a new educational FM broadcasting station at Winston-Salem, North Carolina is mutually exclusive with that of PAR for the same channel at Asheboro, North Carolina. Should these applications be designated for hearing (as appears inevitable), the Commission will include a Section 307(b) issue as to the relative need of the two communities for the proposed services. Since there are already two non-commercial stations at Winston-Salem (WFDD-FM, Trustees of Wake Forrest University; and WSNC(FM), Board of Trustees, Winston-Salem State University) and no non-commercial FM stations at Asheboro, TFN must of necessity make every attempt to disparage the PAR

application and thus secure its denial or dismissal by the Commission.

Such efforts by TFN notwithstanding, TFN has failed to demonstrate that the PAR application should be denied. The somewhat curious "engineering statement" attached to the TFN Petition¹ contains speculation and hypotheses but is lacking in any substantial engineering reasons for denial (or dismissal) of PAR. Or on the contrary, the engineering statement of Peter V. Gureckis, Consulting Engineer, attached to this Opposition, refutes each of the contentions of TFN, which are entirely engineering in nature and in the main concern installation of the PAR antenna on one of the existing two towers of WKXR, Asheboro, North Carolina. Not only does the Gureckis statement demonstrate the practicability of PAR's proposal, but it also shows that in accord with accepted practice, PAR will make before and after construction: (1) field intensity measurements, (2) current distribution measurements and (3) loop current and loop phase readings, all in accord with usual Commission requirements.

TFN's final contention that "the PAR proposal to mount the FM antenna on an AM directional antenna system is contrary to Commission rules and good engineering practice" is wholly without merit. Apparently TFN was unaware that an FM antenna had been authorized by the Commission to be mounted on one of the WKXR

¹ The TFN Engineering Statement is also entitled "Petition to Deny" and is in effect a "Petition-within-a-Petition".

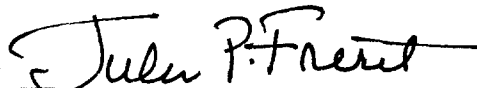
towers, had been so constructed and was licensed by the FCC. As Commission files will show, the FM antenna of WCSE(FM) was mounted on one tower of then co-owned WCWR(AM), now WKXR(AM).

The petition of TFN for denial of the PAR application must itself be denied. TFN has failed to demonstrate a single substantial reason why the station proposed by PAR cannot be constructed, licensed, and operated in accord with Commission rules, standards of good engineering practice or the public interest.

Respectfully submitted,

POSITIVE ALTERNATIVE RADIO, INC.

By



Julian P. Freret
Its Counsel

BOOTH, FRERET & IMLAY
1233 20th Street, N. W.
Suite 204
Washington, D. C. 20036

August 20, 1992

PETER V. GURECKIS & ASSOCIATES

This Engineering Statement has been prepared on behalf of POSITIVE ALTERNATIVE RADIO, INC. (PAR), which is requesting Channel 207A at Asheboro, North Carolina (File No. BPED-911119MC). This is in response to the petition filed by Triad Family Network (TFN), an applicant for Channel 207 at Winston-Salem, North Carolina, to deny the application of PAR.

I spoke to Mr. Edward F. Swicegood, President and General Manager of Radio Station WKXR, Asheboro, North Carolina on Monday of this week. He was surprised to hear of the claim of the impossibility to mount a FM antenna on the AM directional tower. He told me that on his south tower, it had a FM antenna mounted on the tower for his FM operation at 20 KW of power. He also told me that the combined operation encountered no major problems and it was licensed by the F.C.C.

FM antennas have been co-located on AM towers for many years. There are many FM stations now operating on AM towers on either non-directional or directional antenna systems.

TFN attempts several issues against the proposal of PAR and they are:

1. "PAR has not presented evidence showing how it will avoid changes to the AM Radio Station WKXR."

PAR will provide to the Commission a complete showing in an Engineering Statement after the FM construction is completed. Before and after construction field intensity measurements will be made on Station WKXR's proof radials as well as current distribution measurements, if necessary. Also, before and after construction operating parameters will be taken. Further, measurements at WKXR's monitoring point locations will

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be made. The above is a requirement to be filed with the Commission before the FM station can begin operation.

2. "PAR fails to make all of the requisite showings in Section 73.316(c) of the Rules."

PAR has furnished sufficient information concerning its proposed di-

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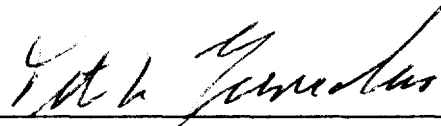
does not have to file a 301 application at this time. It is only required if there is a change in electrical height which is not anticipated.

7c9 The manufacturer of the antenna will test the EM antenna head-on

PETER V. GURECKIS & ASSOCIATES

That I am a Consulting Engineer with offices located at 10410 Windsor View Drive, Potomac, Maryland and that my qualifications are a matter of record with the Federal Communications Commission.

That the foregoing statements and computations made in this report were made by myself or under my direct supervision and that all facts and information contained herein are true and correct to the best of my knowledge, except where stated to be on belief, and as to that information, I believe it to be true.



PETER V. GURECKIS
PETER V. GURECKIS & ASSOCIATES

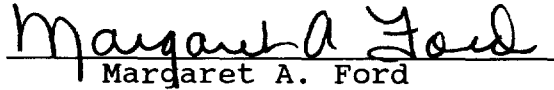
DATE: AUGUST 18, 1992

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager in the law firm of BOOTH, FRERET & IMLAY, do hereby certify that copies of the foregoing "OPPOSITION TO PETITION TO DENY" were sent this 20th day of August, 1992 via first class mail, postage prepaid to the offices of the following:

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Federal Communications Commission
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Margaret A. Ford

*Via Hand Delivery